

**ORDINANCE NO. 28826****AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY GENERALLY BOUNDED BY FLORENCE AVENUE, SOUTH WHITE ROAD, STORY ROAD, LOWER SILVER CREEK, AND SOUTH CAPITOL AVENUE FROM COUNTY OF SANTA CLARA TO R-1-8 SINGLE FAMILY RESIDENCE ZONING DISTRICT**

**WHEREAS**, all prezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

**WHEREAS**, the area encompassed by the subject proposed prezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

**WHEREAS**, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance prezoning certain real property hereinafter described to R-1-8 Single Family Residence Zoning District; and

**WHEREAS**, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

**WHEREAS**, the Council is the decision-making body for subject prezoning from unincorporated County to R-1-8 Single Family Residence Zoning District; and

**WHEREAS**, this Council does hereby certify that, as the decision-making body, it has considered and approves the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such project.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby prezoned as R-1-8 Single Family Residence Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

**SECTION 2.** The district map of the City is hereby amended accordingly.

**SECTION 3.** The land development approval that is the subject of City File No. C10-015 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

**PASSED FOR PUBLICATION** of title this 5th day of October, 2010 by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC  
City Clerk



CHUCK REED.  
Mayor

## DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: CAPITOL NO. 57

R-1-8 Zoning District

Date: 10/05/10

All that certain real property situated in the County of Santa Clara, State of California being:

- all of Lots 1-116 and Lots 123-229, all of Westboro Drive, Highwood Drive, Dover Way, Woodburn Way, Layton Way, Marmont Way, Doris Avenue, Doris Court, Shoreham Court, Wesboro Court, and Nancy Lane as shown on the Map of Tract No. 869 "Mayfair Heights", recorded on May 21, 1951 in Book 33 of Maps at Pages 32-35, Records of Santa Clara County;
- all of Lots 231-421, all of Highwood Drive, Stonehedge Court, Stonehedge, Way, Milford Way, Kelinworth Way, Endfield Way, Lyndale Avenue, Silver Avenue, portions of the "S. A. Kinsey", "Earnest Cano", "John H. Carter", and "John F. Well" Parcels, all of the "T. S. Taormina", "Ken Staley", "Thomas V. Dattilo", "E.H. Holmes", and "S.T. Takaichi" Parcels, and all of the Lot described as "not a part of this subdivision" adjacent to Lot 249 as shown on the Map of Tract No. 1007 "Mayfair Heights", recorded on July 7, 1952 in Book 38 of Maps at Pages 37-41, Records of Santa Clara County;
- all of Lots 1-15 and Lot 18, all of Westboro Avenue (formerly Lavonne Avenue), and Lyndale Avenue, as shown on the Map of Tract No. 576, recorded on November 9, 1948 in Book 20 of Maps at Pages 42-43, Records of Santa Clara County;
- all of Lots 1-11 and Lots 13-30, all of Lyndale Avenue, Wilbur Avenue, East Hills Drive (formerly Lee Avenue), and a portion of Florence Avenue, as shown on the map of Tract No. 362 "Lyndale Avenue Tract", recorded August 13, 1946 in Book 11 of Maps at Page 32, Records of Santa Clara County;
- all of Lots 1-24 in Block No. 1, all of Lots 1-16 in Block No.2, all of the 75 ft. by 230 ft Lot adjacent to Lots 1-3 in Block No. 1, Doris Avenue, Wilbur Avenue, and a portion of Florence Avenue, as shown on the Map of the La Vista Linda, recorded on March 20, 1928 in Book W of Maps at Page 37, Records of Santa Clara County;
- all of Lots 1-22 and Lots 24-28, a portion of the Lot described as "not a part of this subdivision" adjacent to Lot 28, all of Nancy Lane, a portion of Wilbur Avenue, and a portion of Florence Avenue, as shown on the Map of Tract No. 561 "Hollenback Homesites", recorded on October 26, 1948 in Book 20 of Maps at Page 37, Records of Santa Clara County;
- all of Lots 1-27, all of Emilie Drive, as shown on the Map of Tract No. 419, recorded on July 5, 1950 in Book 28 of Maps at Page 44, Records of Santa Clara County;
- all of Lots 1-9, all of Lots 13-19, all of the "Laura A. Bryant, et al" Parcel, all of Lyndale Avenue, and a portion of Florence Avenue, and a portion of Lot 12, as shown on the Map of Tract No. 386, recorded on December 31, 1946 in Book 12 of Maps at Page 29, Records of Santa Clara County;
- all of the "Lands of Knupp", the "Lands of Downing", and the "Snyder" Parcel, and a portion of Florence Avenue, as shown on the Record of Survey recorded on June 29, 1960 in Book 122 of Maps 34, Records of Santa Clara County;

## EXHIBIT

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- all of the "Lands of Paiva" and a portion of Florence Avenue, as shown on the Map of Tract No. 9073, recorded on July 2, 1998 in Book 704 of Maps at Page 15-16, Records of Santa Clara County;
- All of the subject parcels, all of the "William F. Rose" Parcel, and a portion of East Hills Drive (formerly Lee Avenue) as shown on the Record of Survey recorded on February 25, 1954 in Book 47 of Maps, at Page 42, Records of Santa Clara County;
- All of Lots 1-5, a portion of Lyndale Avenue and a Portion of Florence Avenue as shown on Map of Tract No. 3587 recorded on October 23, 1963 in Book 168 of Maps, at page 27, Records of Santa Clara County;
- All of Parcels "A" and "B", all of "Tawney" and "Boss" parcels, a portion of East Hills Drive and a portion of Florence Avenue as shown on the Parcel Map recorded on September 16, 1981 in Book 490 of Maps, at Page 4, Records of Santa Clara County;
- All of Parcels "A" and "B", all of "Doyle" and "Clark" parcels, and a portion of Florence Avenue as shown on the Parcel Map recorded on December 6, 1978 in Book 431 of Maps, at Page 39, Records of Santa Clara County;
- All of Lots 27 and 38, a portion of Lots 26, 28, 31, 33, 35, 36, 37, 39, 40, and 41, and a portion of Florence Avenue as shown on the Map of Lyndale Subdivision recorded on September 16, 1907 in Book L of Maps, at Page 93, Records of Santa Clara County;

said property being partially bounded by the City Limits Line of the City of San Jose as established by City Annexations Hillview No. 43-A, Hillview No. 66, Hillview No. 62, Hillview No. 72, Hillview No. 11, Story No. 55, Capitol No. 5, Capitol No. 51, Capitol No. 18, Capitol No. 46, Capitol No. 28, Capitol No. 1, Alum Rock No. 3-A, Capitol No. 32, Capitol No. 14, Capitol No. 12, Capitol No. 6, Capitol No. 30, Capitol No. 31, Capitol No. 42-A, and Capitol No. 52, said property being more particularly described as follows:

Beginning at the westerly corner of Lot 1 as shown on said Tract No. 869, said point being on the northeasterly line of Capitol Avenue as shown on said Tract No. 869, and also being on the general northeasterly line of said Hillview No. 43-A;

Thence along said northeasterly line of said Capitol Avenue and said general northeasterly line of Hillview No. 43-A the following nine courses:

- S 29°05'00" E 310.00 feet to the beginning of a curve to the left, concave northerly, having a radius of 20.00 feet;
- along said curve, through a central angle of 90°00'00" for an arc distance of 31.42 feet to a point on the northwesterly line of Westboro Drive as shown on said Tract No. 869;
- leaving said northwesterly line of Westboro Drive, S 29°05'00" E 60.00 feet to a point on the southeasterly line of said Westboro Drive, said point also being the beginning of a non-tangent curve to the left, concave easterly, having a radius of 20.00 feet, a radial line to said point bears N 29°05'00" W;
- along said curve, through a central angle of 90°00'00" for an arc distance of 31.42 feet;
- S 29°05'00" E 380.00 feet to the beginning of a curve to the left, concave northerly, having a radius of 20.00 feet;
- along said curve, through a central angle of 90°00'00" for an arc distance of 31.42 feet to a point on the northwesterly line of Highwood Drive as shown on said Tract No. 869;
- leaving said northwesterly line of Highwood Drive, S 29°05'00" E 60.00 feet to a point on the southeasterly line of said Highwood Drive, said point also being the beginning of a

non-tangent curve to the left, concave easterly, having a radius of 20.00 feet, a radial line to said point bears N 29°05'00" W;

- along said curve, through a central angle of 90°00'00" for an arc distance of 31.42 feet;
- S 29°05'00" E 242.00 feet to the southerly corner of Lot 116 as shown on said Tract No. 869, said point being on the general northerly line of said Hillview No. 66;

Thence leaving said northeasterly line of Capitol Avenue, along the southeasterly line of said Lot 116, and also along said general northerly line of Hillview No. 43-A, N 60°55'00" E 90.00 feet to the easterly corner of said Lot 116;

Thence continuing along said general northerly line of Hillview No. 66, along the northeasterly lines of Lots 117-121 as shown on said Tract No. 869, S 29°05'00" E 290.00 feet to the northeasterly line of Lot 122 as shown on said Tract No. 869;

Thence continuing along said general northerly line of Hillview No. 66, along said northwesterly line of Lot 122 (Tract No. 869) and along the northeasterly line of said Lot 122 (Tract No. 869) the following two courses:

- N 60°55'00" E 8.79;
- S 70°04'20" E 58.93 feet to the easterly corner of said Lot 122 (Tract No. 869), said point being on the northwesterly line of said Hillview No. 62;

Thence along the northwesterly line of said Hillview No. 62, along the southeasterly lines of Lots 103-102, 85-84, 74-59 as shown on said Tract No. 869 the following three courses:

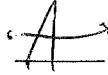
- N 50°11'00" E 22.19 feet;
- N 54°23'00" E 1214.25;
- N 49°59'00" E 196.77 feet to the easterly corner of said Lot 59 (Tract No. 869), said point being on the southwesterly line of Lot 249 as shown on said Tract No. 1007;

Thence along the northeasterly line of said Hillview No. 62, along the southwesterly lines of said Lots 249-231 as shown on said Tract No. 1007, S 36°08'50" E 1083.02 feet to the westerly corner of said Lot 230 (Tract No. 1007), said point being on the general northerly line of said Hillview No. 72;

Thence along said general northerly line of Hillview No. 72 the following four courses:

- Along the northwesterly line of said Lot 230 (Tract No. 1007), N 53°51'10" E 96.00 feet to the southwesterly line of Lyndale Avenue as shown on said Tract No. 1007;
- along said southwesterly line of Lyndale Avenue, S 36°08'50" E 38.85 feet;
- thence leaving said southwesterly line of Lyndale Avenue, N 53°51'10" E 60.00 feet to a point on the northeasterly line of said Lyndale Avenue, said point being the beginning of a non-tangent curve to the left, concave northerly, having a radius of 20.00 feet, a radial to said point bears S 53°51'10" W;
- along said curve, through a central angle of 94°21'10" for an arc distance of 32.94 feet to a point on the northwesterly line of Story Road as shown on said Tract No. 1007;

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Thence along the southeasterly line of said Hillview No. 72, along said northwesterly line of Story Road, S 49°30'00" W 178.03 feet to the southerly corner of said Lot 230 (Tract No. 1007), said point being on said northwesterly line of Hillview No. 62;

Thence leaving said southeasterly line of Hillview No. 72, along said northwesterly line of Hillview No. 62, S 36°08'50" E 15.04 feet to the northwesterly line of said Hillview No. 11;

Thence along said northwesterly line of Hillview No. 11, N 49°30'00" E 837.07 feet to the most southerly corner of said Story No. 55;

Thence along the general southwesterly and northwesterly lines of said Story No. 55 the following thirteen courses:

- N 40°30'00" W 15.00 feet to a point on said northwest line of Story Road, said point also being the beginning of a non-tangent curve to the left, concave westerly, having a radius of 20.00 feet, a radial line to said point bears S 40°30'00" E;
- along said curve, through a central angle of 85°38'50" for an arc distance of 29.90 feet to a point on the southwesterly line of Stonehedge Way as shown on said Tract No. 1007;
- leaving said southwesterly line of Stonehedge Way, N 46°37'22" E 60.48 feet to a point on the northeasterly line of said Stonehedge Way, said point also being the beginning of a non-tangent curve to the left, concave northerly, having a radius of 20.00 feet, a radial line to said point bears S 53°51'10" W;
- along said curve, through a central angle of 94°21'10" for an arc distance of 32.94 feet to said northwesterly line said Story Road;
- along said northwesterly line of Story Road, N 49°30'00" E 77.30 feet to the easterly corner of Lot 365 as shown on said Tract No. 1007;
- along the northeasterly lines of Lots 365-369 as shown on said Tract No. 1007, N 36°08'30" W 321.24 feet to a point on the southeasterly line of Milford Way as shown on said Tract No. 1007, said point being on a non-tangent curve to the left, concave northwesterly, having a radius of 1580.00 feet, a radial line to said point bears S 38°25'25" E;
- along said southeasterly line of Milford Way and said curve, through a central angle of 2°01'35", for an arc distance of 55.88 feet;
- continuing along said southeasterly line of Milford Way, N 49°33'00" E 55.44 feet;
- leaving said southeasterly line of Milford Way, N 36°08'14" W 60.17 feet to a point on the northwesterly line of Milford Way, said point also being the beginning of a non-tangent curve to the left, concave westerly, having a radius of 20.00 feet, a radial line to said point bears S 40°27'00" E;
- along said curve, through a central angle of 85°41'30", for an arc distance of 29.91 feet to a point on the southwesterly line of White Road as shown on said Tract No. 1007;
- along said southwesterly line of White Road, N 36°08'30" W 72.70 feet to the most northerly corner of Lot 370 as shown on said Tract No. 1007, being the beginning of a curve to the right, concave northeasterly, having a radius of 1000.00 feet;
- along said curve, through a central angle of 7°01'18", for an arc distance of 122.55 feet to the beginning of a reverse curve to the left, concave southwesterly, having a radius of 1000.00 feet;

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- along said curve, through a central angle of  $7^{\circ}01'18''$ , for an arc distance of 122.55 feet to the general southwesterly line of said Capitol No. 5, being the southwesterly line of White Road as shown on said Tract No. 1007;

Thence continuing along said southwesterly line of White Road, and the general southwesterly line of Capitol No. 5, N  $36^{\circ}08'30''$  W 503.73 feet to the northeasterly projection of the southeasterly line of Parcel B as shown on the Record of Survey recorded on March 12, 1969 in Book 250 of Maps, at Page 26, Records of Santa Clara County;

Thence leaving said general southwesterly line of Capitol No. 5, along said northeasterly projection and said southeasterly line of Parcel B (250 M 26), S  $49^{\circ}33'00''$  W 150.00 feet to the most southerly corner of said Parcel B (250 M 26);

Thence along the southwesterly line of said Parcel B and along the general southwesterly line of Parcel A as shown on said Record of Survey (250 M 26), N  $36^{\circ}08'30''$  W 133.98 feet to an angle point in said general southwesterly line of said Parcel A (250 M 26);

Thence continuing along said general southwesterly line of Parcel A (250 M 26) the following two courses:

- S  $49^{\circ}33'00''$  W 60.02 feet;
- N  $36^{\circ}08'30''$  W 104.00 feet to the most northerly corner of Lot 389 as shown on said Tract No. 1007, said point being on the southeasterly line of the "Santa Clara County Flood Control and Water Conservation District" Parcel as shown on said Record of Survey (250 M 26), said point also being on the general southwesterly line of said Capitol No. 5;

Thence along said general southwesterly line of Capitol No. 5, along the northwesterly lines of Lots 389-390, 400-402, and 410 as shown on said Tract No. 1007, S  $49^{\circ}33'00''$  W 527.90 feet to the most easterly corner of Lot 10 as shown on said Tract No. 576;

Thence continuing along said general southwesterly line of Capitol No. 5, along the northeasterly line of said Tract No. 576, N  $36^{\circ}08'15''$  W 429.11 feet to the most easterly corner of said Capitol No. 51, said point being the most easterly corner of Lot 16 as shown on said Tract No. 576;

Thence along the southeasterly, southwesterly, and northwesterly lines of said Capitol No. 51 the following three courses:

- along the southeast line of said Lot 16 (Tract No. 576), S  $53^{\circ}51'00''$  W 219.12 feet to the northeast line of Lyndale Avenue as shown on said Tract No. 576;
- along said northeast line of Lyndale Avenue (Tract No. 576), N  $36^{\circ}08'15''$  W 120.00 feet to the westerly corner of Lot 17 as shown on said Tract No. 576;
- along the northwesterly line of said Lot 17 (Tract No. 576), N  $53^{\circ}51'00''$  E 219.12 feet to the most northerly corner of said Lot 17 (Tract No. 576), said point being on said general southwesterly line of Capitol No. 5;

Thence along said general southwesterly line of Capitol No. 5, along the northeasterly line of Lot 18 as shown on said Tract No. 576, N 36°08'15" W 60.00 feet to the most northerly corner of said Lot 18 (Tract No. 576) being on the southeasterly line of said Capitol No. 18;

Thence along said southeasterly line of Capitol No. 18, along the northwesterly line of said Lot 18 (Tract No. 576), S 53°51'00" W 97.66 feet to the easterly corner of Lot 17 as shown on said Tract No. 362, said point being the most southerly point of said Capitol No. 18;

Thence along the general southwesterly line of said Capitol No. 18 the following five courses:

- along the northeasterly lines of Lots 17-13 as shown on said Tract No. 362, N 30°48'06" W 325.00 feet to the easterly corner of Lot 12 as shown on said Tract No. 362;
- along the southeasterly line of said Lot 12 (Tract No. 362), S 59°15'17" W 119.15 feet to the northeasterly line of Lyndale Avenue as shown on said Tract No. 362;
- along said northeasterly line of Lyndale Avenue, N 30°48'58" W 65.00 feet to the westerly corner of said Lot 12 (Tract No. 362);
- leaving said Lyndale Avenue, along the northwesterly line of said Lot 12 (Tract No. 362), N 59°15'17" E 119.17 feet to the northerly corner of said Lot 12 (Tract No. 362);
- along the northwesterly lines of Lots 11-8 as shown on said Tract No. 362, N 30°48'06" W 244.04 feet to the most easterly corner of the subject property shown on the Record of Survey recorded on November 9, 1959 in Book 83 of Maps, at Page 54, Records of Santa Clara County;

Thence along the northwesterly line of said Capitol No. 18, along the northwesterly line of said subject property (83 M 54), N 59°15'17" E 549.75 feet;

Thence along the general northeasterly line of said Capitol No. 18, being the general northeasterly line of said subject property (83 M 54) the following two courses:

- S 36°07'39" E 110.20 feet;
- N 59°15'17" E 228.39 feet to the southwesterly line of White Road as shown on said Record of Survey (83 M 54), being the southwesterly line of said Capitol No. 46;

Thence along said southwesterly line of Capitol No. 46 and said southeasterly line of White Road (83 M 54), N 36°07'39" W 203.20 feet to the point of intersection with the southeasterly line of East Hills Drive (formerly Lee Avenue) as shown on said Record of Survey (83 M 54), said point being the most southerly point of said Capitol No. 28;

Thence along the general southwesterly line of said Capitol No. 28, N 36°07'39" W 20.09 feet to the centerline of said East Hills Drive (83 M 54), being the southeasterly line of said Capitol No. 1;

Thence along the said southeasterly line of Capitol No. 1, along said centerline of East Hills Drive (83 M 54), S 59°15'17" W 205.65 feet to the most southerly corner of said Capitol No. 1, said point being on the southeasterly extension of the northeasterly line of the Lands of Pinheiro as shown on the Amended Record of Survey recorded on December 22, 1964 in Book 189 of Maps, at Page 14, Records of Santa Clara County;

Thence along the general southwesterly line of said Capitol No. 1 the following eleven courses:

- along said southeasterly extension and the northeasterly line of said Lands of Pinheiro (189 M 14), N 30°46'43" W 114.40 feet to the general southwesterly line of the subject property as shown on said Amended Record of Survey (189 M 14);
- along said general southwesterly line (189 M 14), S 59°15'17" W 82.00 feet to an angle point;
- continuing along said general southwesterly line (189 M 14) and its northwesterly projection, N 30°44'52" W 318.01 feet to the centerline of Florence Avenue as shown on said Tract No. 9073;
- along said centerline of Florence Avenue (Tract No. 9073), S 59°14'00" W 97.66 feet to the southeasterly extension of the southwesterly line of Lot 14 as shown on said Map of Tract No. 9073;
- along said southeasterly extension and said southwesterly line of Lot 14 (Tract No. 9073), N 30°45'10" W 181.86 feet to the most westerly corner of said Tract No. 9073;
- along the southwesterly projection of the northwesterly line of said Tract No. 9073, S 59°14'20" W 117.00 feet to the northeasterly line of the "1.523 Ac.±" Parcel as shown on said Record of Survey (122 M 34);
- along said northeasterly line of said "1.523 Ac.±" Parcel, S 30°45'10" E 156.87 feet to the most easterly corner of said "1.523 Ac.±" Parcel;
- along the southeasterly line of said "1.523 Ac.±" Parcel, S 59°14'00" W 20.00 feet to the most southerly corner of said "1.523 Ac.±" Parcel;
- along the general southwesterly line of said "1.523 Ac.±" Parcel, N 30°45'10" W 155.00 feet to an angle point;
- continuing along said general southwesterly line of said "1.523 Ac.±" Parcel, S 59°14'00" W 133.69 feet to the most easterly corner of Lot 2 as shown on said Tract No. 386;
- along the northeasterly line of said Tract No. 386, N 30°44'35" W 411.66 feet to the northerly corner of said Tract No. 386, being the most westerly corner of said Capitol No. 1, said point also being on the general southeasterly line of said Alum Roc No. 3-A;

Thence along the northwesterly line of said Tract No. 386, being said general southeasterly line of Alum Rock No. 3-A, S 59°14'00" W 306.90 feet to the westerly corner of Tract No. 386, said point being the northerly corner of said Capitol No. 14;

Thence along the southwesterly line of Tract No. 386, being the northeasterly line of said Capitol No. 14, S 30°44'00" E 390.00 feet to the westerly corner of said Capitol No. 32;

Thence along the northwesterly, northeasterly, and southeasterly lines of said of Capitol No. 32 the following four courses:

- N 59°16'00" E 125.50 feet to the southwesterly line of Lyndale Avenue as shown on said Tract No. 386;
- along said southwesterly line of Lyndale Avenue (Tract No. 386), S 30°44'00" E 151.60 feet to the beginning of a curve to the right, concave westerly, having a radius of 20.00 feet;

- along said curve, through a central angle of  $89^{\circ}58'$  for an arc distance of 31.40 feet to a point on the northwesterly line of Florence Avenue as shown on said Tract No. 386;
- along said northwesterly line of Florence Avenue (Tract No. 386),  $S 59^{\circ}14'00''$  W 105.51 feet to the southerly corner of Lot 11 as shown on said Tract No. 386, said point being on said northeasterly line of Capitol No. 14;

Thence along the northeasterly, southeasterly, and southwesterly lines of said Capitol No. 14 the following three courses;

- $S 30^{\circ}44'00''$  E 30.00 feet to the centerline of said Florence Avenue (Tract No. 386);
- along said centerline of Florence Avenue (Tract No. 386),  $S 59^{\circ}14'00''$  W 153.65 feet;
- leaving said centerline of Florence Avenue (Tract No. 386),  $N 30^{\circ}44'00''$  W 30.00 feet to a point on the northwesterly line of Florence Avenue as shown on said Lyndale Subdivision;

Thence along said northwesterly line of said Florence Avenue (Lyndale Subdivision), also being the southeasterly lines of said Capitol No. 12 and said Capitol No. 6,  $S 59^{\circ}14'00''$  W 460.94 feet to the northeasterly line of said Capitol No. 30;

Thence along said northeasterly line of Capitol No., 30,  $S 30^{\circ}45'30''$  E 5.00 feet to the northwesterly line of said Capitol No. 31;

Thence along said northwesterly line of Capitol No. 31,  $N 59^{\circ}14'00''$  E 20.67 feet to the most northerly corner of said Capitol No. 31, said point being on the northwesterly projection of the southwesterly line of Nancy Lane as shown on said Tract No. 561;

Thence along the general northeasterly line of said Capitol No. 31 the following three courses:

- along said northwesterly extension and the southwesterly line of said Nancy Lane (Tract No. 561),  $S 30^{\circ}49'00''$  E 162.05 feet;
- $S 59^{\circ}14'00''$  W 138.22 feet to the northwesterly projection of the southwesterly line of said Tract No. 561;
- along said northwesterly projection and said southwesterly boundary line of Tract No. 561,  $S 30^{\circ}48'00''$  E 154.11 feet to the northerly corner of said Tract No. 419;
- along the northwesterly line of said Tract No. 419,  $S 59^{\circ}14'00''$  W 810.22 feet to the westerly corner of Lot 27 as shown on said Tract No. 419, said point being on the northeasterly line of Capitol Avenue as shown on said Tract No. 419 and on said general northeasterly line of Hillview No. 43-A;

Thence along said northeasterly line of Capitol Avenue (Tract No. 419) and said general northeasterly line of Hillview No. 43-A the following six courses:

- $S 29^{\circ}05'00''$  E 81.13 feet to the beginning of a curve to the left, concave northerly, having a radius of 20.00 feet;
- along said curve, through a central angle of  $91^{\circ}40'$ , for an arc distance of 32.00 feet to a point on the northwesterly line of Emile Drive as shown on said Tract No. 419;
- leaving said northwesterly line of Emile Drive,  $S 30^{\circ}45'00''$  E 60.00 feet to the southeasterly line of said Emile Drive;

## EXHIBIT

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- along said southeasterly line of said Emile Drive, S 59°15'00" W 2.91 feet to the beginning of a curve to the left, concave easterly, having a radius of 20.00 feet;
- along said curve, through a central angle of 88°20', for an arc distance of 30.83 feet;
- S 29°05'00" E 82.29 feet to the southerly corner of Lot 1 as shown on said Tract No. 419, said point being the westerly corner of said Capitol No. 42-A and the most westerly corner of Lot 1 as shown on Tract No. 6602, recorded on July 26, 1979 in Book 446 of Maps at Pages 35-36, Records of Santa Clara County;

Thence along the southeasterly line of said Tract No. 419, the northwesterly line of said Tract No. 6602, and the northwesterly line of said Capitol No. 42-A, N 59°13'00" E 818.11 feet to the easterly corner of said Tract No. 419, also being the northerly corner of said Tract No. 6602 and of said Capitol No. 42-A;

Thence along the northeasterly boundary line of said Tract No. 6602, being the northeasterly line of said Capitol No. 42-A, S 30°48'00" E 21.55 feet to the westerly corner of Lot 23 as shown on said Tract No. 561, said point being the westerly corner of said Capitol No. 52;

Thence along the northwesterly, northeasterly, and southeasterly lines of said Capitol No. 52 the following six courses:

- along the northwesterly line of said Lot 23 (Tract No. 561), N 59°14'00" E 138.35 feet to said southwesterly line of Nancy Lane (Tract No. 561);
- along said southwesterly line of Nancy Lane (Tract No. 561), S 30°49'00" E 99.56 feet to the beginning of a curve to the right, concave northwesterly, having a radius of 20.00 feet;
- along said curve, through a central angle of 116°20'09", for an arc distance of 40.61 feet to the northerly line of Wilbur Avenue as shown on said Tract No. 561;
- S 30°49'00" E 66.90 feet to a point on the southerly line of said Wilbur Avenue (Tract No. 561), being a point on a non-tangent curve to the right, concave northerly, having a radius of 541.05 feet, a radial line to said point bears S 06°00'15" E;
- along said southerly line of Wilbur Avenue (Tract No. 561), along said curve, through a central angle of 2°32'28", for an arc distance of 24.00 feet to the beginning of a reverse curve to the left, concave southerly, having a radius of 320.00 feet;
- along said southerly line of Wilbur Avenue (Tract No. 561), along said curve, through a central angle of 16°43'00", for an arc distance of 93.36 feet to said northeasterly line of Tract No. 6602, being said northeasterly line of said Capitol No. 42-A;

Thence along said northeasterly line of said Tract No. 6602, being said northeasterly line of Capitol No. 42-A, S 30°48'00" E 95.69 feet to the easterly corner of said Tract No. 6602 and of said Capitol No. 42-A;

Thence along the southeasterly line of said Tract No. 6602, also being the northwesterly line of said Tract No. 869 and the southeasterly line of said Capitol No. 42-A, S 59°13'00" W 825.93 feet to said westerly corner of Lot 1 (Tract No. 869) and the Point of Beginning

The described property contains approximately 125.94 acres.

EXHIBIT

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This description was prepared from record information only.

For zoning purposes only. This description of land may not be used as the basis for an offer for sale of the land described.



Patricia A. Cannon 8/10/2010  
Patricia A. Cannon, PLS 8186